

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DELANDO WILSON AND MICHAEL
MERCHANT**

PLAINTIFFS

V.

NO: 4:22CV64-GHD-DAS

**THE CITY OF GREENVILLE,
MISSISSIPPI, TASHA BANKS, JAMES
WILSON, SR., LURANN THOMAS-
KINGDOM, LOIS HAWKINS, VERNON
GREENLEE, AL BROCK, AMELIA
WICKS, DANNIE GRAISE, MARCUS
TURNER, AND ERRICK SIMMONS**

DEFENDANTS

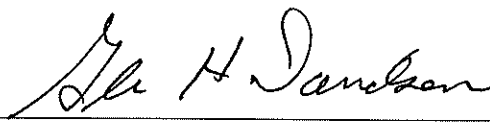
ORDER

Pursuant to an opinion issued this day, it is hereby ORDERED that the Defendants' Motion for Judgment on the Pleadings [53] is GRANTED IN PART and DENIED IN PART as follows:

- (1) Defendants' motion for judgment on the pleadings as to Count 1 – Title VII Hostile Work Environment based on sexual / sexual orientation harassment, is DENIED;
- (2) Defendants' motion for judgment on the pleadings as to Count 2 – Retaliatory Hostile Work environment, is DENIED;
- (3) Defendants' motion for judgment on the pleadings as to Count 3 – Title VII Retaliation, is DENIED;
- (4) Defendants' motion for judgment on the pleadings as to Count 4 – Fourteenth Amendment Due Process Violations, is GRANTED;
- (5) Defendants' motion for judgment on the pleadings as to Count 5 – FMLA Violation, is DENIED;
- (6) Defendants' motion for judgment on the pleadings as to Count 6 – Civil Conspiracy, is DENIED;

- (7) Defendants' motion for judgment on the pleadings as to Count 7 – Breach of Contract, is GRANTED;
- (8) Defendants' motion for judgment on the pleadings as to Count 8 – Constructive Discharge, is DENIED AS MOOT, as constructive discharge is not a cause of action;
- (9) Defendants' motion for judgment on the pleadings as to Count 9 – Tortious Interference with Employment, is GRANTED IN PART and DENIED IN PART as follows:
- a. Defendants' motion concerning Plaintiff Wilson is GRANTED as to Defendants Graise and Turner and DENIED as to all other individual Defendants listed in count 9 of the complaint, and
 - b. Defendants' motion concerning Plaintiff Merchant is DENIED as to Defendants Banks, Simmons, Wilson, and Graise and GRANTED as to all other individual defendants.
- (10) Defendants' motion for judgment on the pleadings as to Count 10 – Intentional Infliction of Emotional Distress, is GRANTED; and
- (11) Defendants' motion for judgment on the pleadings as to Count 11 – Negligent Infliction of Emotional Distress, is GRANTED.

SO ORDERED, this the 24th day of October, 2023.



SENIOR U.S. DISTRICT JUDGE